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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

TYLER KAI BRYANT,

Plaintiff,

v.

DUSTIN HEERSCHKE; and DOES 1  
through 10, inclusive,

Defendants.

**Case No. 2:23-cv-3434**

**COMPLAINT FOR DAMAGES**

1. Fourth Amendment, Unlawful Detention and Arrest (42 U.S.C. § 1983)
2. Fourth Amendment, Excessive Force (42 U.S.C. § 1983)
3. Fourteenth Amendment, Denial of Equal Protection (42 U.S.C. § 1983)

**DEMAND FOR JURY TRIAL**

1  
2 **COMPLAINT FOR DAMAGES**

3 TYLER KAI BRYANT, individually, for her Complaint against Defendants  
4 DUSTIN HEERSCHE and DOES 1 through 10, inclusive, alleges as follows:

5 **JURISDICTION AND VENUE**

6 1. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and  
7 1343(a)(3)-(4) because Plaintiff asserts claims arising under the laws of the United  
8 States, including 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments of the  
9 United States Constitution.

10 2. Venue is proper in this Court under 28 U.S.C. § 1391(b) because  
11 Defendants reside in this district and all incidents, events, and occurrences giving rise  
12 to this action occurred in this district.

13 **INTRODUCTION**

14 3. This civil rights action seeks compensatory and punitive damages from  
15 Defendants for violating Plaintiff TYLER KAI BRYANT's rights under the Fourth  
16 Amendment to the United States Constitution in connection with their unlawful arrest  
17 and detention of Plaintiff on May 8, 2021—during which Defendants aimed a firearm  
18 at Plaintiff without justification and held her in jail for 12-13 hours without probable  
19 cause—depriving her of her liberty and causing her significant emotional harm,  
20 humiliation, and financial loss.

21 **PARTIES**

22 4. At all relevant times, Plaintiff TYLER KAI BRYANT ("Plaintiff") was  
23 an individual residing in the City of Los Angeles, County of Los Angeles, California.  
24 Plaintiff sues in her individual capacity and seeks compensatory and punitive damages  
25 under federal law.

26 5. At all relevant times, Defendant DUSTIN HEERSCHE ("HEERSCHE")  
27 was duly appointed by the County of Ventura ("COUNTY") as a Ventura County  
28 Sheriff's Department ("VCSD") deputy and employee or agent of COUNTY, subject

1 to oversight and supervision by COUNTY's elected and non-elected officials.  
2 HEERSCHE acted under color of law, to wit, under the color of the statutes,  
3 ordinances, regulations, policies, customs, and usages of the COUNTY and the VCSD,  
4 and under the statutes and regulations of the State of California. At all relevant times,  
5 HEERSCHE acted within the course and scope of his employment with the COUNTY  
6 and the VCSD. HEERSCHE is sued in his individual capacity.

7         6. At all relevant times, Defendants DOES 1-10 ("DOE DEPUTIES") were  
8 duly appointed by COUNTY as VCSD officers and employees or agents of COUNTY,  
9 subject to oversight and supervision by COUNTY's elected and non-elected officials.  
10 DOES 1-10 acted under color of law, to wit, under the color of the statutes, ordinances,  
11 regulations, policies, customs, and usages of the COUNTY and the VCSD, and under  
12 the statutes and regulations of the State of California. At all relevant times, DOES 1-  
13 10 acted within the course and scope of their employment with the COUNTY and the  
14 VCSD.

15         7. In doing the acts and failing and omitting to act as hereinafter described,  
16 Defendants HEERSCHE and DOE DEPUTIES were acting on the implied and actual  
17 permission and consent of the COUNTY.

18         8. The true names and capacities of DOES 1-10 are currently unknown to  
19 Plaintiff, who otherwise sues these Defendants by such fictitious names. Plaintiff will  
20 seek leave to amend this Complaint to show the true names and capacities of these  
21 Defendants when they have been ascertained. Each of the fictitiously named  
22 Defendants is responsible in some manner for the conduct or liabilities alleged herein.

23         9. At all times mentioned herein, each and every Defendant, including  
24 DOES 1-10, was the agent of each and every other Defendant and had the legal duty  
25 to oversee and supervise the hiring, conduct, and employment of each and every  
26 Defendant.

27         10. All of the acts complained of herein by Plaintiff against Defendants were  
28 done and performed by said Defendants by and through their authorized agents,

1 servants, and/or employees, all of whom at all relevant times herein were acting with  
2 the course, purpose, and scope of said agency, service, and/or employment capacity.  
3 Moreover, Defendants and their agents ratified all of the acts complained herein.

4 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

5 11. Plaintiff repeats and realleges each and every allegation in the foregoing  
6 paragraphs of this Complaint with the same force and effect as if fully set forth herein.

7 12. Plaintiff TYLER KAI BRYANT is a 32-year-old African American  
8 woman who resides in the City of Los Angeles, California.

9 13. At or about 11:30 p.m. on May 7, 2021, Plaintiff was driving with a friend  
10 to Los Angeles from Simi Valley, in Ventura County, where they had been at a bowling  
11 alley. The car Plaintiff was driving was registered in her name.

12 14. While driving on the highway at approximately 50 miles per hour,  
13 Plaintiff noticed that an unmarked vehicle began following her. The vehicle did not  
14 have lights or sirens on, nor did it display other indications that it was not a civilian  
15 vehicle. At no time during this drive did Plaintiff exceed any posted speed limit.

16 15. After the unmarked vehicle had followed Plaintiff for approximately two  
17 to three miles, the vehicle, which was in fact an unmarked VCSD vehicle, activated its  
18 lights and sirens, and Plaintiff promptly pulled over to the side of the road.

19 16. After Plaintiff pulled over, the unmarked VCSD vehicle pulled over  
20 behind her. Shortly thereafter, multiple additional VCSD vehicles arrived, and several  
21 VCSD deputies, including HEERSCHKE and DOES 1-10 (collectively, "DEFENDANT  
22 DEPUTIES"), exited the VCSD vehicles with their firearms drawn.

23 17. DEFENDANT DEPUTIES approached Plaintiff's vehicle, aimed their  
24 firearms at Plaintiff and her passenger, and began shouting commands at them.

25 18. DEFENDANT DEPUTIES ordered Plaintiff to exit the vehicle and walk  
26 backwards, with which Plaintiff promptly complied, at which point DEFENDANT  
27 DEPUTIES arrested Plaintiff. Plaintiff was placed under arrest shortly after midnight,  
28 in the early hours of May 8, 2021.

1           19. Upon arresting Plaintiff, DEFENDANT HEERSCHE informed Plaintiff  
2 that she had been placed under arrest because her car had been involved in a high-speed  
3 chase earlier that day at around 5:00 p.m. HEERSCHE informed Plaintiff that three  
4 African American men were suspected in that chase and informed Plaintiff that her  
5 vehicle matched the description of the vehicle involved in the chase.

6           20. HEERSCHE conceded to Plaintiff that HEERSCHE and DOE  
7 DEPUTIES did not know the license plate number of the vehicle used in the earlier  
8 chase because it had not been captured at the time, but HEERSCHE nevertheless  
9 asserted to Plaintiff that her vehicle was in fact the same vehicle as the one used in the  
10 chase.

11           21. Plaintiff explained to HEERSCHE that her vehicle could not possibly  
12 have been the one used in the earlier chase, as Plaintiff had been at work in her office  
13 in downtown Los Angeles from early in the morning of May 7, 2021 until 7 or 8 p.m.  
14 that evening, and her vehicle had been parked and locked in her office's indoor parking  
15 garage—and not operated by anyone—for that entire period.

16           22. Plaintiff further noted to HEERSCHE that she and her passenger did not  
17 match the number or description of the suspects in the vehicle chase since, as  
18 HEERSCHE had already stated, three African American men were suspected, and  
19 Plaintiff and her passenger were two women. All that Plaintiff and her passenger had  
20 in common with the men suspected in the earlier chase were that they were all African  
21 American and purportedly driving a vehicle of the same or similar make and model.

22           23. HEERSCHE responded by asking Plaintiff whether she had a boyfriend  
23 who had been driving the car earlier, suggesting that he may have been one of the three  
24 African American men suspected in the chase, and Plaintiff responded that she did not.

25           24. Despite the lack of any evidence that Plaintiff had been involved in the  
26 earlier chase other than her operating a purportedly similar vehicle (in the Greater Los  
27 Angeles area, where millions of vehicles are driven every day), despite the clear  
28 mismatch between the description of the vehicle chase suspects and Plaintiff and her

1 passenger, and despite Plaintiff's alibi, HEERSCHE and DEFENDANT DEPUTIES  
2 did not release Plaintiff. Instead, these Defendants placed Plaintiff in the back of a  
3 VCSD vehicle, ordered her vehicle impounded, transported Plaintiff to the Ventura  
4 County Main Jail, and abandoned her passenger on the side of the highway.

5 25. After arrival and booking at the jail, Plaintiff was held for approximately  
6 12 or 13 hours and was asked few or no questions to help COUNTY and VCSD  
7 officials confirm or deny whether she had in fact been involved in the earlier chase.

8 26. During this time, DOE 1, a female deputy trainee who had been present  
9 at the scene of Plaintiff's arrest, took photographs of Plaintiff and showed them off to  
10 other deputies; yelled at Plaintiff when Plaintiff protested that Defendants had arrested  
11 the wrong person; and went through Plaintiff's belongings and loudly mocked Plaintiff  
12 for having an EBT card.

13 27. After being held for approximately 12 or 13 hours, Plaintiff was released,  
14 at which point Defendant HEERSCHE or one of DOES 1-10 apologized to Plaintiff  
15 and stated "mistakes happen."

16 28. At all relevant times, Plaintiff and her passenger complied with Defendant  
17 Deputies' commands and did not resist arrest.

18 29. At all relevant times, DEFENDANT DEPUTIES had no information that  
19 Plaintiff or her passenger posed any threat of injury to anyone, nor did they have  
20 information that Plaintiff or her passenger had injured anyone.

21 30. Plaintiff and her passenger had in fact, not hurt anyone at any relevant  
22 time.

23 31. At all relevant times, DEFENDANT DEPUTIES failed to warn Plaintiff  
24 or her passenger that they would use force against them before aiming their firearms at  
25 them, despite it being feasible to do so, and despite Plaintiff and her passenger's  
26 compliance with DEFENDANT DEPUTIES' commands.

27 32. At all relevant times, Plaintiff and her passenger posed no imminent threat  
28 of bodily harm to DEFENDANT DEPUTIES or anyone else.

1        33. At all relevant times, Plaintiff and her passenger made no verbal threats  
2 to any officer or anyone else.

3        34. At all relevant times, DEFENDANT DEPUTIES could observe that  
4 Plaintiff and her passenger were unarmed and had no weapons in their possession. The  
5 windows in Plaintiff's vehicle were not tinted and, on information and belief,  
6 DEFENDANT DEPUTIES had a clear view into her vehicle.

7        35. At all relevant times, aside from information that an unidentified vehicle  
8 that was purportedly similar to Plaintiff's had been used in a chase several hours earlier,  
9 DEFENDANT DEPUTIES had no information that Plaintiff or her passenger had  
10 committed any crime. Indeed, because DEFENDANT DEPUTIES only had  
11 information that three *men* were involved in the earlier chase, they in fact had no  
12 information that Plaintiff or her passenger, both women, had committed any crime  
13 whatsoever.

14        36. At all relevant times, DEFENDANT DEPUTIES failed to take steps to  
15 de-escalate the situation or give Plaintiff and her passenger the opportunity to  
16 cooperate with their instructions or comply with their orders prior to aiming firearms  
17 at the two women and arresting Plaintiff.

18        37. Given the significant differences between Defendants' descriptions of the  
19 car chase suspects and Plaintiff, and given that the only similarity between them was  
20 their race and the alleged similarity of the vehicles used, Plaintiff was discriminatorily  
21 arrested and subjected to subsequent detention solely on account of her African  
22 American identity.

23        38. No criminal charges were ever filed against Plaintiff based on the vehicle  
24 chase that was Defendants' stated basis for arresting Plaintiff.

25        39. As a result of being pulled over by an unidentified vehicle, having  
26 firearms aimed at her by a group of Sheriff's deputies shouting commands at her, being  
27 wrongfully arrested and held for approximately 12 or 13 hours, being loudly mocked  
28 and objectified by a Sheriff's deputy while in VCSD custody, and experiencing the



1 indignity of being discriminatorily arrested on account of her race, Plaintiff has been  
2 traumatized and has suffered significant emotional harm that persists to this day.  
3 Because of Defendants' unlawful conduct, Plaintiff suffers from continued anguish and  
4 distress from memories of the encounter, arrest, and detention. This anguish and  
5 distress has required Plaintiff to start visiting multiple therapists each week, and she  
6 has since been diagnosed with anxiety, depression, and post-traumatic stress disorder  
7 stemming from her experience with Defendants. These conditions in turn prevented  
8 her from securing new employment for many months after her arrest and have inhibited  
9 her ability to lead her life as usual. The experience has also substantially diminished  
10 Plaintiff's trust in law enforcement, such that when Plaintiff was assaulted  
11 approximately one year after the incident, she elected not to contact the police for fear  
12 of undergoing a similar degrading, humiliating, and distressing experience again.

13 40. Because Defendants ordered Plaintiff's vehicle to be impounded, Plaintiff  
14 suffered financial harm in that she was required to expend most of her savings to  
15 recover her vehicle from impoundment.

16 41. Additionally, at the time of her arrest in the early hours of May 8, 2021,  
17 Plaintiff had recently been hired for a new marketing position, which she was  
18 scheduled to begin later that morning. However, because of the arrest and the  
19 impoundment of her vehicle, Plaintiff was unable to travel to her new workplace to  
20 report for work that day, and as a result she was terminated from the position. Thus, as  
21 a result of the arrest and impoundment, Plaintiff lost a significant amount of wages and  
22 suffered substantial injury to her professional reputation.

23  
24 **FIRST CLAIM FOR RELIEF**

25 **Fourth Amendment – Unreasonable Search and Seizure – Unlawful Detention**  
26 **and Arrest (42 U.S.C. § 1983)**

27 **Plaintiff against Defendants HEERSCHKE and DOES 1-10**

28 42. Plaintiff repeats and realleges each and every allegation in the foregoing



1 paragraphs of this complaint with the same force and effect as if fully set forth herein.

2 43. Defendants HEERSCHE and DOES 1-10 pulled Plaintiff over and  
3 initially detained her without reasonable suspicion that Plaintiff had committed any  
4 crime.

5 44. Defendants HEERSCHE and DOES 1-10 arrested Plaintiff and  
6 subsequently continued to detain her in jail for approximately 12 or 13 hours without  
7 probable cause.

8 45. When Defendants HEERSCHE and DOES 1-10 pulled Plaintiff over and  
9 detained her at gunpoint prior to arresting her, they violated Plaintiff's right to be  
10 secure in her person against unreasonable searches and seizures as guaranteed to  
11 Plaintiff under the Fourth Amendment to the United States Constitution and applied to  
12 state actors by the Fourteenth Amendment.

13 46. When Defendants HEERSCHE and DOES 1-10 arrested Plaintiff and  
14 placed her in handcuffs, they further violated Plaintiff's right to be secure in her person  
15 against unreasonable searches and seizures as guaranteed to Plaintiff under the Fourth  
16 Amendment to the United States Constitution and applied to state actors by the  
17 Fourteenth Amendment.

18 47. At all relevant times, Defendants HEERSCHE and DOES 1-10 acted  
19 under color of state law. Defendants HEERSCHE and DOES 1-10 had no reasonable  
20 suspicion to detain Plaintiff and no probable cause to arrest her.

21 48. In addition to Defendants pulling Plaintiff over and initially detaining her  
22 being unreasonable, and the subsequent unjustified and forceful removal of Plaintiff  
23 from her vehicle and arrest being unreasonable, the scope and manner of the detention  
24 was also unreasonable. It was not necessary to use aim any firearms at Plaintiff, as she  
25 promptly complied with Defendants' orders. Moreover, it was not necessary to  
26 transport Plaintiff to jail and detain her there for an additional 12 or 13 hours, after it  
27 became clear that she in fact had no connection to the earlier reported vehicle chase, as  
28 she repeatedly informed Defendants and as Defendants expressly acknowledged upon

1 her release.

2 49. The conduct of Defendants HEERSCHE and DOES 1-10 was done with  
3 reckless disregard for the rights and safety of Plaintiff and therefore warrants the  
4 imposition of exemplary and punitive damages as to Defendants HEERSCHE and  
5 DOES 1-10. As a direct result of the unreasonable detention and arrest, Plaintiff  
6 experienced emotional trauma and suffering for which she is entitled to recover  
7 damages.

8 50. As a result of their misconduct, Defendants HEERSCHE and DOES 1-10  
9 are liable for Plaintiff's injuries, either because they were integral participants in the  
10 wrongful detention and arrest, or because they failed to intervene to prevent these  
11 violations.

12 51. Plaintiff brings this claim and seeks damages on this claim, including for  
13 Plaintiff's constitutional injuries, emotional distress, humiliation, financial loss, and  
14 reduced earning capacity.

15 52. Plaintiff also seeks attorney's fees and costs for this claim, pursuant to 42  
16 U.S.C. § 1988.

17  
18 **SECOND CLAIM FOR RELIEF**

19 **Fourth Amendment – Unreasonable Search and Seizure – Excessive Force**  
20 **(42 U.S.C. § 1983)**

21 **Plaintiff against Defendants HEERSCHE and DOES 1-10**

22 53. Plaintiff repeats and realleges each and every allegation in the foregoing  
23 paragraphs of this Complaint with the same force and effect as if fully set forth herein.

24 54. When Defendants HEERSCHE and DOES 1-10 approached Plaintiff and  
25 aimed their firearms at her, they seized Plaintiff within the meaning of the Fourth  
26 Amendment to the United States Constitution. Under federal precedent construing the  
27 Fourth Amendment, aiming a firearm at an individual constitutes a use of force even  
28 when the firearm is not fired.

1           55. Defendants HEERSCHE and DOES 1-10's uses of force against Plaintiff  
2 by aiming their firearms at her were excessive and unreasonable under the  
3 circumstances. Plaintiff posed no threat of harm whatsoever to Defendants or anyone  
4 else; Defendants had no information that Plaintiff had injured or otherwise harmed  
5 anybody; Defendants had no information that Plaintiff had threatened to harm  
6 anybody, verbally or otherwise; Defendants had no information that Plaintiff had a  
7 weapon in her possession; Plaintiff had committed no crime; and Plaintiff did not resist  
8 Defendants or attempt to flee, but rather promptly complied with all commands she  
9 was given.

10           56. The unreasonable use of force by Defendants HEERSCHE and DOES 1-  
11 10 deprived Plaintiff of her right to be secure in her person against unreasonable  
12 searches and seizures as guaranteed to Plaintiff under the Fourth Amendment to the  
13 United States Constitution and applied to state actors by the Fourteenth Amendment.

14           57. As a result of Defendants HEERSCHE and DOES 1-10's unlawful and  
15 unreasonable uses of force against Plaintiff, Plaintiff has suffered significant emotional  
16 trauma as detailed above. Defendants are therefore liable to Plaintiff for compensatory  
17 damages under 42 U.S.C. § 1983.

18           58. As a result of Defendants HEERSCHE and DOES 1-10's conduct, they  
19 are liable for Plaintiff's injuries, either because they were integral participants in the  
20 use of excessive force, or because they failed to intervene to prevent these violations.

21           59. The conduct of Defendants HEERSCHE and DOES 1-10 was willful,  
22 wanton, malicious, and done with reckless disregard for the rights and safety of  
23 Plaintiff and therefore warrants the imposition of exemplary and punitive damages as  
24 to these Defendants.

25           60. Plaintiff brings this claim and seeks damages on this claim, including for  
26 Plaintiff's injuries, including for pain and suffering, emotional distress, humiliation,  
27 financial loss, and reduced earning capacity.

28           61. Plaintiff also seeks attorney's fees under this claim pursuant to 42 U.S.C.

1 § 1988.

2 **THIRD CLAIM FOR RELIEF**

3 **Fourteenth Amendment – Denial of Equal Protection (42 U.S.C. § 1983)**

4 **Plaintiff against Defendants HEERSCHE and DOES 1-10**

5 62. Plaintiff repeats and realleges each and every allegation in the foregoing  
6 paragraphs of this Complaint with the same force and effect as if fully set forth herein.

7 63. Under the Equal Protection Clause of the Fourteenth Amendment to the  
8 United States Constitution, Plaintiff had the right not to be subjected to differential and  
9 unfavorable treatment by law enforcement officials on account of her membership in  
10 a constitutionally protected class.

11 64. Plaintiff, as an African American woman, is a member of a  
12 constitutionally protected class based on her race.

13 65. After Defendants pulled Plaintiff over, detained her at the side of the  
14 highway, and held her there at gunpoint, Defendants had no valid reason to arrest  
15 Plaintiff, as the mere purported similarity of her vehicle to one used hours earlier in a  
16 vehicle chase, without more, was insufficient to establish probable cause to arrest her.

17 66. As detailed above, the only common characteristic between Plaintiff and  
18 the three men whom Defendant HEERSCHE stated were suspected in the earlier  
19 vehicle chase was their race. Indeed, in asking whether Plaintiff, an African American  
20 woman, had a boyfriend who had been driving her car earlier in the day and who thus  
21 would have matched the description of one of the vehicle chase suspects, HEERSCHE  
22 expressly drew a connection between Plaintiff and the suspected culprits on account of  
23 their shared race.

24 67. Given the absence of probable cause to arrest Plaintiff, Plaintiff's arrest  
25 and Defendant HEERSCHE's statements at the time of the arrest demonstrate that  
26 Plaintiff's arrest and subsequent continued detention were racially motivated, based on  
27 her and the vehicle chase suspects' common African American identity.

28 68. Because Defendants HEERSCHE and DOES 1-10 had no probable cause

1 to arrest Plaintiff, and given the circumstances described above, HEERSCHE and  
2 DOES 1-10 arrested Plaintiff solely based on her race, and acted with the intent and  
3 purpose to discriminate against Plaintiff based on her membership in a constitutionally  
4 protected class.

5 69. Plaintiff's discriminatory arrest and continued detention by Defendants  
6 HEERSCHE and DOES 1-10 based on her African American race deprived Plaintiff  
7 of her right to equal protection under the law as guaranteed to Plaintiff by the  
8 Fourteenth Amendment to the United States Constitution.

9 70. As a result of Defendants HEERSCHE and DOES 1-10's conduct, they  
10 are liable for Plaintiff's injuries, either because they were integral participants in the  
11 deprivation of Plaintiff's equal protection rights, or because they failed to intervene to  
12 prevent these violations.

13 71. The conduct of Defendants HEERSCHE and DOES 1-10 was willful,  
14 wanton, malicious, and done with reckless disregard for the rights and safety of  
15 Plaintiff and therefore warrants the imposition of exemplary and punitive damages as  
16 to these Defendants.

17 72. Plaintiff brings this claim and seeks damages on this claim, including for  
18 Plaintiff's injuries, including for pain and suffering, emotional distress, humiliation,  
19 financial loss, and reduced earning capacity.

20 73. Plaintiff also seeks attorney's fees under this claim pursuant to 42 U.S.C.  
21 § 1988.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff TYLER KAI BRYANT requests entry of judgment in her favor and against Defendants DUSTIN HEERSCHKE and DOES 1-10, inclusive, as follows:

- A. For compensatory damages in an amount according to proof at trial;
- B. For other general damages in an amount according to proof at trial;
- C. For other non-economic damages in an amount according to proof at trial;
- D. For other special damages in an amount according to proof at trial;
- E. For punitive damages against the individual defendants in an amount to be proven at trial;
- F. Attorney's fees pursuant to 42 U.S.C. § 1988;
- G. For interest;
- H. For reasonable costs of this suit; and
- I. For such further other relief as the Court may deem just, proper, and appropriate.

DATED: May 5, 2023

**LAW OFFICES OF DALE K. GALIPO**

By: /s/ Dale K. Galipo  
DALE K. GALIPO  
BENJAMIN S. LEVINE  
Attorneys for Plaintiff

**DEMAND FOR JURY TRIAL**

The Plaintiff named herein hereby demands a trial by jury.

DATED: May 5, 2023

**LAW OFFICES OF DALE K. GALIPO**

By: /s/ Dale K. Galipo  
DALE K. GALIPO  
BENJAMIN S. LEVINE  
Attorneys for Plaintiff